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INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO  
United States Section

HEADQUARTERS

Volume: II

DIRECTIVE

~~Section: 100~~

Chapter ~~560~~ 307

Issue Date: September 12, 1986

TO: All Supervisors, United States Section: Internal Auditor: C&R Branch

SUBJECT: Service Contracts (Appendix A only), "Acquiring The Services of Technical Advisors/Experts/Consultants"

CONTROL: General Services Branch (Procurement Acquisitions)(Skinner) (915)  
534-6682 (FTS) 570-6682  
Personnel Division (Personnel System Acquisitions)(Beam) (915)  
534-6702 (FTS) 570-6702

The services of Technical Advisors/Experts/Consultants (Technical Advisors) fall within the contract category of "Service Contracts." However, not all of the rules of Service Contracts apply to Technical Advisors, and some of the requirements for Technical Advisors do not apply to the balance of Service Contracts.

In the future, a full Chapter 560 concerning Service Contracts will be issued. At this time only Appendix A, which deals strictly with the acquisition of the services of Technical Advisors, is being issued. The early release of this issuance is made necessary because of the fairly frequent use of Technical Advisors by the Section.

Contained in the attached material are the detailed instructions for the acquisition of the Services of Technical Advisors through the procurement system. Also included in the material is an outline of the requirements for obtaining the services of Technical Advisors through the Section's personnel system.

The use of Technical Advisors by any Federal agency is a sensitive area. The requirements issued by the regulatory agencies are stringent and close adherence to these requirements is most appropriate.

If, after reviewing the attached material, there are any questions, please contact the appropriate person listed above as soon as possible.

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**APPENDIX A**  
**Acquiring The Services of Technical Advisors/Experts/Consultants**

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## APPENDIX A

### Acquiring the Services of Technical Advisors/Experts/Consultants

#### I. General Information

The United States Section utilizes the services of a number of individuals in an advisory capacity. These individuals may be known as Technical Advisors, Experts, or Consultants. For the purposes of this Appendix, the titles are synonymous and the title "Technical Advisor" will be used.

The purpose of this Appendix is to establish the policy of the U.S. Section with regard to the acquisition of the services of Technical Advisors.

#### A. Proper Acquisition

When essential to the mission of the U.S. Section (Section), arrangements may be made to obtain the services of Technical Advisors to:

1. Obtain specialized opinions or professional or technical advice which does not exist or is not available within the Section or at other Federal agencies as specified in Attachment 1 to this Appendix;
2. Obtain outside points of view to avoid too limited judgments on critical issues;
3. Obtain advice regarding developments in industry, university, or foundation research;
4. Obtain the opinion of noted experts whose name or international prestige can contribute to the success of important projects; and
5. Secure citizen advisory participation in developing or implementing government programs that, by their nature or statutory provisions, call for such participation.

Attachment 1 to this appendix lists examples of subject matter areas for which the acquisition of the services of Technical Advisors may be proper.

#### B. Acquisition Prohibitions

The Office of Management and Budget has issued policy statements regarding the use of Technical Advisor services. The following is a listing of OMB's stated policy prohibitions:

1. Technical Advisor services will not be used in performing work of a policy/decision making or managerial nature which is the direct responsibility of Section officials;
2. Technical Advisor services will normally be obtained only on an intermittent or temporary basis; repeated or extended arrangements are not to be entered into except under extraordinary circumstances;

3. Technical Advisor services will not be used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures;
4. Former Government employees per se will not be given preference in consulting/Technical Advisor service arrangements;
5. Technical Advisor services will not be used under any circumstances to specifically aid in influencing or the enacting of legislation; and
6. Grants and cooperative agreements will not be used as legal instruments for Technical Advisor service arrangements.

C. Laws, Regulations, and Regulatory Agencies

Laws which affect the acquisition of the service of Technical Advisors include, (but are not limited to) the Service Contract Act of 1965, the Office of Federal Procurement Policy Act of 1974 as amended, the Civil Service Reform Act of 1978 and other personnel laws, and a variety of other Acts. The United States Section obtains its authority to acquire the services of Technical Advisors, in part, from the 1944 Treaty Between the United States of America and Mexico for the Utilization of Waters of the Colorado and Tijuana rivers and of the Rio Grande, and the American-Mexican Treaty Act of 1950. In addition, various appropriation acts have provided for the utilization of Technical Advisor services.

At one point or another, the regulatory agencies which may become involved in the Section's program for the acquisition of the services of Technical Advisors include the Office of Management and Budget, the General Accounting Office, the Department of Labor, the Office of Personnel Management, and the Federal Acquisition Regulation (FAR) Secretariat.

II. Definitions

A. Service, General

The acquisition of the services of Technical Advisors falls, by definition, under the provisions of the Service Contract Act of 1965. For purposes of identifying the nature of the acquisition of the services of a Technical Advisor, and for the purposes of the definitions which follow, information found in Federal Acquisition Regulation (FAR) Part 37 is used. FAR Part 37 defines a service contract as a contract that directly engages the time and effort of a Technical Advisor whose primary purpose is to perform an identifiable task rather than to furnish an end item of supply. A service contract may be either a nonpersonal or a personal contract.

B. Personal Service

A personal service contract means a contract that, by its express terms or as administered, makes the contractor personnel appear, in effect, Government employees.

### **C. Nonpersonal Service**

A nonpersonal services contract means a contract in which the personnel rendering the services are not subject, either by the contract's terms or by the manner of administration, to the supervision and control usually prevailing in relationships between the government and its employees. Please note that giving an order for a specific article or service, with the right to reject the finished project or result, is not the type of supervision or control that converts an individual who is an independent contractor such as a Technical Advisor into a Government employee.

### **D. Technical Advisor Services**

Technical Advisor services mean those services of a purely advisory nature relating to the governmental function of Section administration and management and Section program management. The services are normally provided by persons and/or organizations who are generally considered to have knowledge and special abilities that are not generally available within the Section. The form of compensation is irrelevant to the definition.

### **E. Sponsoring Activity**

For purposes of this Appendix, the sponsoring activity is that work unit (branch, division, field office, etc.) which will use the results of the Technical Advisor's product in resolving the problem or situation which made the use of a Technical Advisor appropriate. For example, the Projects Division would be the sponsoring activity for Technical Advisors working on the Safety of Dams Program. In the instance where the services of a Technical Advisor are required to assist in groundwater studies, the Special Studies Branch within the Planning and Water Accounting Division would be the sponsoring activity.

### **F. Approval Levels**

The Office of Management and Budget has established specific requirements for the organizational level at which requests for seeking the acquisition of Technical Advisor services must be approved. Except during the fourth quarter of the fiscal year, such requests must be approved at the first management level above the level of the sponsoring activity. Requests presented during the fourth quarter of the fiscal year must be approved at the second management level above the level of the sponsoring activity.

In the two examples given for sponsoring activity, the approvals for seeking the services of Technical Advisors for Safety of Dams work would be the Principal Engineer (Supervising) except during the fourth quarter when the approval level would be the Commissioner. The example for ground water studies, the approval level would be Principal Engineer, Planning and Water Accounting Division except during the fourth quarter when the approval level would be the Commissioner.

In addition, the Office of Management and Budget has established the requirement that the Contracting Officer shall be responsible for determining whether a requested solicitation or procurement action, regardless of dollar value, is for consulting services. The Contracting Officer's determination shall be final. Prior to processing any solicitation or any procurement action for consulting services, the Contracting Officer shall insure that the applicable provisions of OMB Circular No. A-120 have been met and documentation is included in the official contract document.

#### G. Contracting Officer

FAR Part 2 defines a Contracting Officer as a person with the authority to enter into, administer, and/or terminate contracts and make related Determination and Findings.

Through Headquarters Directive, Volume II, Section 100, Chapter 300, dated May 14, 1986, entitled Delegations of Authority and Management Control (Procurement), the United States Section has designated the positions which can serve as Contracting Officers based upon dollar limitations per procurement transaction. However, for the purposes of acquiring the services of Technical Advisors, this authority can be exercised by no position organizationally lower than that of Chief, General Services Branch among those identified in the Directive.

#### H. Contracting Officer's Representative

The Contracting Officer's Representative must be specifically designated in writing, normally within the specific contract documents. The Contracting Officer's Representative cannot act with the full authority of the Contracting Officer, but can perform many of the functions required by the Contracting Officer. The limits and responsibilities of the Contracting Officer's Representative's authority should be specified in writing.

### III. Summary of Responsibilities

#### A. Sponsoring Activity

The sponsoring activity is responsible for developing the initial information which will be used, if approved, in the acquisition of Technical Advisor services. Attachment 2 to this appendix provides the details and format of the required information. This information includes a statement of the problem or situation for which the sponsoring activity desires the services of a Technical Advisor, a specific statement of the duties to be properly performed by the Technical Advisor and the time within which the duties are needed, evaluation factors to be used in considering a Technical Advisor for selection for the work, and other contracting administration information.

The sponsoring activity will route their request through their regular management chain to the Chief, General Services Branch. Sponsoring activities will not normally send such requests directly to the General Services Branch since management approvals above the level of the sponsoring activity are required.

## **B. Management Approval Level**

That level of management which is responsible for reviewing the Sponsoring Activity's request for Technical Advisor services should:

- Review the justification and make a determination as to whether or not the request is justified;
- Assure that any additional information required for the justification is obtained and added to the justification;
- Review the statement of duties and assure that the statement reflects the full range of work to be performed, including the use of Section equipment/personnel;
- Assure that the statement identifies the necessary Section controls over the work; and
- Assure that the statement of duties specifically identifies the required work product, including its form and the timelines within which it is to be provided by the Technical Advisor.

In addition, the manager who does approve a request should identify the individual who is recommended to act as the Contracting Officer's Representative (COR). It would be appropriate, but is not required, that a listing of the duties and limits of authority for the COR be included with the recommendation.

## **C. Contracting Officer**

The responsibilities of the Contracting Officer include, but are not limited to, the following:

1. Determining the method (contract or civil service appointment) through which the acquisition of Technical Advisor services will be sought;
2. Assuring that all regulatory requirements concerning advertising and competition in the acquisition of the Technical Advisor services are met;
3. Assuring that the resulting contract meets all regulatory requirements and provides the best possible protection for the interests of the Government;
4. Assuring that all regulatory requirements for contract administration are adhered to;
5. Assuring the propriety of any contract modification; and
6. Assuring that the full and complete contract files are maintained during the life of the contract and once the terms of the contract are completed.

## **D. Director of Personnel**

In all instances where there is a question as to whether or not the duties to be performed and the level of Section control over the Technical Advisor will

make the acquisition fall within the definition of "Personal Services," the Director of Personnel will be contacted and will provide a written determination. This action will be taken without regard to whether the acquisition of services is to be by contract or by personnel appointment.

The Director of Personnel will also be available to provide formal or informal counsel regarding the appropriateness of qualifications requirements, supervisory controls, etc., at any stage of the process.

#### E. Contracting Officer's Representative

The responsibilities and authority of the Contracting Officer's Representative (COR) are those specified in writing by the Contracting Officer. The Contractor must be advised, in writing, of the authority delegated to the COR. If this information is not a part of the contract, the Contractor must be advised by letter and a copy of the letter is to be made a part of the Contract file. The Contractor must also be advised in writing of any changes in the authority of the COR during the life of the contract.

#### IV. Competition/Advertising Requirements (Chart)

As in all forms of Government acquisition of goods, services, or construction, it is required that the maximum amount of competition for the acquisition of the services of Technical Advisors/Experts/Consultants be achieved. The provisions for the use of the "Emergency" and "Public Exigency" procedures are the same as for supplies or construction.

The following chart presents, in outline form, some of the major requirements and timelines involved in acquiring the services of Technical Advisors/Experts/Consultants.

##### Dollar Value

##### Competition Requirements

0 - \$999.99

Oral Quotes/Proposals should be obtained. No minimum number of contacts are required. Specific notes regarding whom was contacted, when, and an outline of the proposed work as stated to the person contacted should be maintained.

1,000 - \$9,999.99

A minimum of 3 quotations/proposals must be obtained. Oral quotes are acceptable except when special specifications are involved; e.g., the product is different from that previously purchased. Where special specifications are involved, the requirements listed below for written quotations/proposals must be observed. For oral information, the notes specified immediately above must be maintained.

\$10,000 - \$24,999.99

Written Requests For Quotes/Proposals must be used and a minimum of three responses (including "No Bids") must be obtained.

A synopsis must be published in the Commerce Business Daily for at least 15 calendar days before the issuance of the written solicitation and 10 days, not including the date of mailing, must be allowed for the synopsis to reach the Commerce Business Daily (CBD).

It is required that 30 calendar days be allowed for the receipt of quotes/proposals. If the solicitation is for a Research and Development proposal, 45 calendar days must be allowed.

NOTE: The Section is not precluded from using a formal solicitation in lieu of a Request for Quotes/Proposals at any Dollar level. The best interests of the Government will determine which method will be used.

\$25,000 - Over

A formal "sealed bid" solicitation and contract must be used. Two-step bidding may be used where it is anticipated that negotiations will be required after the opening of the initial bids/proposals.

A synopsis must be published in the Commerce Business Daily for at least 15 calendar days before the issuance of the written solicitation and 10 days, not including the date of mailing, must be allowed for the synopsis to reach the Commerce Business Daily.

It is required that 30 calendar days be allowed for the receipt of bids/proposals. If the solicitation is for Research and Development, 45 calendar days must be allowed.

## V. Contract Administration

### A. Changes/Modifications

As in the administration of all contracts, there will be situations which arise which require a modification of the initial contract so that the needs of the Section can be met efficiently and economically. The procedural steps which must be followed before the modification can be made are essentially the same for all contracts, but the regulatory sensitivity of Technical Advisor contracts makes it quite critical that all procedural requirements are met before the Technical Advisor is directed to make the changes.

A change order or contract modification must be supported by a Determination and Findings. Each Determination and Findings (D&F) shall include the following information:

1. Identification of the U.S. Section and of the contracting activity and specific identification of the document as a "Determination and Findings".
2. Nature and/or description of the action being approved.
3. Citation of the appropriate statute and/or regulation upon which the D&F is based.
4. Findings that detail the particular circumstances, facts, or reasoning essential to support the determination. Necessary supporting documentation shall be obtained from appropriate requirements and technical personnel. NOTE: The sponsoring activity is responsible for providing this information in writing to the Contracting Officer.
5. A determination, based on the findings, that the proposed action is justified under the applicable statutes and regulations.
6. Expiration date of the D&F, if required.
7. The signature of the official authorized to sign the D&F, and the date signed.

Once the Contracting Officer has completed the Determination and Findings based upon the information supplied by the sponsoring activity, the Contracting Officer is responsible for the following actions:

- Assuring that the proposed modification or change order does not violate the regulatory requirements for competition;
- Negotiating any price changes with the Technical Advisor(s) where the modification or change order should result in an increase or decrease in cost to the Section (the sponsoring activity will usually be involved);
- Preparing the Standard Form 30 AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT, and securing any required reviews within the Section; and
- Obtaining the necessary signatures from the Technical Advisor(s).

Sponsoring activities and Contracting Officer's Authorized Representatives must assure that the Technical Advisor(s) are not directed to proceed with work which changes or modifies the contract before the steps which are identified immediately above are completed. "After-the-fact" documentation of change orders/contract modifications are permissible only under the most extreme of emergency conditions, and the emergency or public exigency requirements as stated in the U.S. Section Management Procurement Guide must be met.

## **B. Invoice Approvals**

Invoices submitted by Technical Advisors must be reviewed and a recommendation of approval or disapproval indicated on the invoice by the sponsoring activity. Where the recommendation is for disapproval, the specific reason for the recommendation must be stated in writing and attached to the invoice. This action will normally be taken by the Contracting Officer's Representative.

The invoice and its attachments, if any, will then be routed to the Contracting Officer who will approve or disapprove payment of the invoice. Timely action on invoices is required at all levels so that the U.S. Section can take advantage of any prompt payment discounts, and also so that the U.S. Section can avoid the payment of interest required under the Prompt Payment Act provisions.

## **VI. Office of Personnel Management Requirements and Timelines**

When the Technical Advisor services to be acquired are clearly within the definition of the personal services category, the services may be acquired either by contract through the procurement system, or by a civil service appointment through the personnel system.

The information developed and presented under III. Summary of Responsibilities, Section A Sponsoring Activity, is used in making the determination as to whether or not the services are personal or nonpersonal in nature. For those determined to be personal services in nature, management must make a determination as to whether the services are to be acquired by contract through the procurement system, or by appointment through the personnel system.

The United States Office of Personnel Management, the Office of Management and Budget, and the Congress have established specific requirements and procedures for the appointment of Technical Advisors through the personnel system. The information which follows, and that in Attachment 3 to this Appendix, presents a brief outline of the requirements to be met. The Director of Personnel for the United States Section will guide managers through the appointment process, and provide the detailed information required in the process.

### **A. Approval of Appointment**

The Office of Personnel Management requires that each proposed appointment (and extension of appointment) must be reviewed and certified by a high agency management official (Director of Personnel) in terms of the:

- (1) Necessity for the position;
- (2) Correctness of the judgment that the position requires the services of an expert or consultant;
- (3) Propriety of designating the position as temporary or intermittent;

(4) Soundness of the decision that this is the most appropriate appointing authority to use;

(5) Qualifications of the proposed appointee;

(6) Appropriateness of the intended level of pay in relation to the work to be performed, the qualifications of the proposed appointee, and comparable salaries in the private sector; and

(7) Completeness of documentation.

Such appointments can be made only for intermittent or temporary work. Limitation of hours and days of work permitted during a service year are specified in the Federal Personnel Manual.

Assuming all preparatory documentation is in order when presented, this review and certification process will require no less than 15 workdays.

#### **B. Qualifications Determinations**

The final determination as to whether or not the proposed appointee is qualified for the position for which he is being considered must be made by the Personnel Division. The Director of Personnel will specify the format in which the proposed appointee's qualifications are to be presented to the Personnel Division for review. Since the appointment is to a position in the Federal civil service, the Personnel Division will normally work from a specific position description, and apply the appropriate qualification standards for that type position as published by the Office of Personnel Management.

While the decision of the Director of Personnel is normally considered final with regard to the qualifications of the proposed appointee, as well as the other personnel requirements which must be met, a review of the determination of the Director of Personnel can be obtained from the United States Office of Personnel Management. The Commissioner of the United States Section must approve, in writing, seeking such a review. Under United States Office of Personnel Management's (OPM) regulations, all required documentation necessary to obtain the review must be submitted to OPM by the Director of Personnel who is also designated as the contact point for any ensuing discussions between the Office of Personnel Management and the United States Section.

Such reviews by OPM require no less than 60 calendar days, and usually take 90 to 120 days.

#### **C. Audit Authority**

The following entities have audit authority with regard to Technical Advisors/Experts/Consultant appointments:

- United States Office of Personnel Management;

- Office of Management and Budget; and
- General Accounting Office.

Working individually, in concert, and/or through the Office of the Special Counsel and the Merit Systems Protection Board, these entities have the authority to -

- (1) Terminate and revoke appointments found to be improper;
- (2) Seek recovery of monies improperly paid to individuals on such appointments; and
- (3) For those appointments found to be clearly in violation of the established rules and regulations, including the Prohibited Personnel Practices, direct disciplinary action against the responsible Section officials under a variety of civil and criminal statutes.

#### VII. Compensation of Technical Advisors

There are several factors to be taken into consideration in determining the rate of compensation of a Technical Advisor. The following is an outline of some of the major factors.

##### A. Personal Services Acquisition

If the services fall within the definition of Personal Services, the compensation of the Technical Advisor is limited to the current amount paid for Step 10 of grade 15 of the General Schedule. This applies whether the services are acquired by contract or by personnel appointment. This limitation also applies whether or not the agreement is with an individual or an organization such as a company, corporation, or institution. This limitation does not apply if the services are not Technical Advisor/Expert/Consultant services.

Compensation is normally paid on a "per diem rate," that is, the Technical Advisor receives pay for eight (8) hours on any day that he or she works, without regard to the number of hours actually worked. The Technical Advisor does not receive overtime pay, and does not receive pay for any days worked in excess of 10 in a normal pay period. Within this framework, a Technical Advisor could be paid for work on a Saturday, Sunday or holiday at the regular rate as long as the Technical Advisor did not receive pay for more than 10 days within the pay period.

PLEASE NOTE: The United States Section can administratively determine to pay the Technical Advisor on an hourly rate rather than a per diem rate. This determination must be recorded and must be made a part of the documentation of the acquisition by the Contracting Officer. If an administrative determination is made to pay on the basis of an hourly rate, the per diem rate limit still applies. This means that the Technical Advisor could be paid more

than the hourly rate of Step 10 of the General Schedule level 15 for the hours worked, but could not be paid more than the daily rate for Step 10 of the GS-15 grade level for work performed on one day.

The acquisition of a Technical Advisor for a position for the performance of duties which are within the definition of Personal Services results in an employer-employee relationship between the United States and the person performing the services. As a result, the person is entitled to various personnel benefits within the Federal personnel system. The payment for the services, therefore, should be made on the regular payroll forms, with income tax and other appropriate deductions made in the usual manner. This applies to contracts and personnel appointments.

Compensation for travel and transportation will be in accordance with the Federal Travel Regulations and the U.S. Section Manual. Compensation for other expenses will be in accordance with existing regulations controlling such expenses for Federal employees.

#### B. Nonpersonal Service Acquisition

The limitation on compensation contained at 5 U.S.C. Section 3109 is not applicable to a contract for Expert/Consultant/Technical Advisor services entered into under that authority on a truly independent contract basis. 26 Comp. Gen. 188 (1946)

The fact that services are secured by contract is not conclusive of the question of the applicability of the fee limitation. If the relationship created under the contract as between the purported contractor and the Government is in fact tantamount to that of employer and employee, the Expert/Consultant/Technical Advisor will be regarded as an employee and the amount of compensation which he may be paid will be regarded as subject to the maximum limitation set forth at 5 U.S.C. Section 3109. 26 Comp. Gen. 188 (1946); id 442; and 42 id. 395 (1963)

The provisions of Federal Acquisition Regulation (FAR) Part 31, Contract Cost Principles and Procedures are controlling in determining the compensation for Nonpersonal Service Technical Advisor service contracts.

## ATTACHMENT 1

### Examples of Technical Advisor/Expert/Consultant Services

Listed below are examples of the type of services which fall within the definition of Technical Advisor services. The examples do not distinguish between Personal Services and Nonpersonal Services because each listing may fall within either category. The Contracting Officer is responsible for the final determination as to in which category to place each individual request.

Technical Advisors/Experts/Consultants may provide advice on, or evaluation of, matters of Section administrative management such as:

- Organizational structures;
- Reorganization plans;
- Management methods;
- Zero-base budgeting procedures;
- Mail handling procedures;
- Records and file organization;
- Personnel procedures;
- Discriminatory labor practices;
- Agency publications;
- Internal policies, directives, orders, manuals and procedures; and
- Management information systems.

Technical Advisors/Experts/Consultants may also provide advice on or evaluation of matters of Section program management such as:

- Program plans;
- Acquisition strategies;
- Assistance strategies;
- Regulations;
- Assistance on procurement of solicited or unsolicited technical and cost proposals;
- Legal aspects;
- Economic impacts;
- Program impact(s); and
- Mission and program analysis.

The listing above is not all-inclusive, and individual determinations must be made in each case. The presence or absence of a subject area in the listing above should not be considered to imply automatic approval or disapproval of a Technical Advisor acquisition request.

In determining whether or not specialized opinions or professional or technical advice already exist within the Section or at other Federal

agencies, an exhaustive, detailed search is not required. A rational approach must be used which encompasses the following:

#### United States Section

If there are current personnel of the Section whose education and/or experience indicate possession of the required knowledges, skills and abilities, -

- a) Is there actually a good match between the person's background and the work to be performed?
- b) Will the person's current priority work assignments permit the performance of the work within the required timelines?
- c) Can the assignment of the person to the work be properly accomplished within the rules and regulations of the Federal personnel system?

A "No" answer to any of the above should be documented as to the reasons, and no further consideration need be given to using internal Section resources.

#### Other Federal Agencies

If it appears there are other Federal agencies which may have personnel with the specific background required to perform the work, a limited amount of contact should be made at the appropriate level within the other Federal agency to determine -

- a) Does the required background actually exist within the agency since job titles can be misleading?
- b) Would the other agency make the personnel available to perform the work within the required timeframes?
- c) Would the cost of using the other Federal agency personnel be consistent with good management practices and the cost principles expressed in OMB Circular A-76?

A "No" answer to any of the above should be documented and no further consideration need be given to using the resources of the other Federal agency.

**PLEASE NOTE:** Once such a determination is made, the review need not be repeated for identical, like, or similar work for a period of 12 months from the date the review is completed, and the results of the initial review can be used as documentation for the ensuing actions during the 12-month period.

## ATTACHMENT 2

### Sponsoring Activity Requirements Acquisition of Technical Advisor Services

1. Define the problem or situation which indicates that the services of a Technical Advisor or Advisors may be appropriate.
2. Provide a specific statement of the duties to be performed by the Technical Advisor(s), including a listing of any Section or other Federal Government equipment which the Technical Advisor(s) will use. Also to be included is a statement of any work to be performed by Section personnel under the direction of the Technical Advisor(s).
3. Specifically identify the form (written report, verbal report, combination) of the final product to be provided by the Technical Advisor(s).
4. Identify the factors considered critical in the selection of a Technical Advisor(s) to perform the required duties. That is, what work experience, educational background or particular area of professional/technical competence should the Technical Advisor(s) have in order to perform the duties effectively, economically, and in a timely manner, and why these factors are critical.
5. Identify the timeframe within which the duties must be performed, and also identify whether or not follow-on duties may be required as a result of the initial work of the Technical Advisor(s).
6. Identify the individual(s) or position(s) which will be responsible for providing oversight to the work of the Technical Advisor(s), and the level of oversight which will be required. (Recommendation for function of Contracting Officer's Representative).
7. If available, provide the names, addresses and telephone numbers of individuals or firms which may be able to provide the required Technical Advisor services. Ranking of the recommendations and some indication of the basis of the ranking would be appropriate.
8. State whether the services are considered Personal or Nonpersonal services in nature, and state the estimated cost for the work.

The information required above should be typed on bond paper and attached to a Form IBWC-41, REQUEST FOR PURCHASE. All blocks of the IBWC-41 normally completed by a Requestor should be completed EXCEPT the sections calling for Description and Vendor, Qty, Unit, Unit Price, Total Amount, Grand Total, and the blocks immediately below Contract No. In lieu of completing these sections, show "SEE ATTACHED SHEETS" in the section identified as Description and Vendor.

agencies, an exhaustive, detailed search is not required. A rational approach must be used which encompasses the following:

#### United States Section

If there are current personnel of the Section whose education and/or experience indicate possession of the required knowledges, skills and abilities, -

- a) Is there actually a good match between the person's background and the work to be performed?
- b) Will the person's current priority work assignments permit the performance of the work within the required timelines?
- c) Can the assignment of the person to the work be properly accomplished within the rules and regulations of the Federal personnel system?

A "No" answer to any of the above should be documented as to the reasons, and no further consideration need be given to using internal Section resources.

#### Other Federal Agencies

If it appears there are other Federal agencies which may have personnel with the specific background required to perform the work, a limited amount of contact should be made at the appropriate level within the other Federal agency to determine -

- a) Does the required background actually exist within the agency since job titles can be misleading?
- b) Would the other agency make the personnel available to perform the work within the required timeframes?
- c) Would the cost of using the other Federal agency personnel be consistent with good management practices and the cost principles expressed in OMB Circular A-76?

A "No" answer to any of the above should be documented and no further consideration need be given to using the resources of the other Federal agency.

**PLEASE NOTE:** Once such a determination is made, the review need not be repeated for identical, like, or similar work for a period of 12 months from the date the review is completed, and the results of the initial review can be used as documentation for the ensuing actions during the 12-month period.

## ATTACHMENT 2

### Sponsoring Activity Requirements Acquisition of Technical Advisor Services

1. Define the problem or situation which indicates that the services of a Technical Advisor or Advisors may be appropriate.
2. Provide a specific statement of the duties to be performed by the Technical Advisor(s), including a listing of any Section or other Federal Government equipment which the Technical Advisor(s) will use. Also to be included is a statement of any work to be performed by Section personnel under the direction of the Technical Advisor(s).
3. Specifically identify the form (written report, verbal report, combination) of the final product to be provided by the Technical Advisor(s).
4. Identify the factors considered critical in the selection of a Technical Advisor(s) to perform the required duties. That is, what work experience, educational background or particular area of professional/technical competence should the Technical Advisor(s) have in order to perform the duties effectively, economically, and in a timely manner, and why these factors are critical.
5. Identify the timeframe within which the duties must be performed, and also identify whether or not follow-on duties may be required as a result of the initial work of the Technical Advisor(s).
6. Identify the individual(s) or position(s) which will be responsible for providing oversight to the work of the Technical Advisor(s), and the level of oversight which will be required. (Recommendation for function of Contracting Officer's Representative).
7. If available, provide the names, addresses and telephone numbers of individuals or firms which may be able to provide the required Technical Advisor services. Ranking of the recommendations and some indication of the basis of the ranking would be appropriate.
8. State whether the services are considered Personal or Nonpersonal services in nature, and state the estimated cost for the work.

The information required above should be typed on bond paper and attached to a Form IBWC-41, REQUEST FOR PURCHASE. All blocks of the IBWC-41 normally completed by a Requestor should be completed EXCEPT the sections calling for Description and Vendor, Qty, Unit, Unit Price, Total Amount, Grand Total, and the blocks immediately below Contract No. In lieu of completing these sections, show "SEE ATTACHED SHEETS" in the section identified as Description and Vendor.

### ATTACHMENT 3

#### Detailed Personnel Requirements and Limitations

The acquisition of the services of Technical Advisors through the Federal personnel system carries with it many requirements and limitations. The information contained in this Attachment outlines some of these. Under normal circumstances, acquisition of the services of Technical Advisors through the personnel system is not the preferred method, and the acquisition can be completed only if the services are in the category of personal services. Non-personal services can be acquired only through the procurement system.

The Policy of the United States Section is that -

1. In addition to the information normally developed by the sponsoring activity, the sponsoring activity will also develop a position description which satisfies the standard of adequacy for position classification purposes;
2. The qualifications of the individual(s) to be considered for appointment will be presented on a Standard Form 171 with continuation sheets. If a resume is used in lieu of the Standard Form 171, the resume must present all of the information which would be presented on the Standard Form 171;
3. The sponsoring activity will forward the information cited above with a fully completed Standard Form 52, Request For Personnel Action through normal management channels to the Personnel Division;
4. It is critical that the amount of time required be computed accurately since this type of appointment counts against the Full-Time-Equivalent (FTE) personnel allocation of the Section, and management must assure that the hours are available. This computation will be entered on the Standard Form 52 under the "Remarks" section;
5. The person selected will be required to complete a security questionnaire and the conflict of interest forms. Limitations on employing former government employees apply;
6. Compensation will be through the Section's payroll system, and is limited to a per diem maximum of Step 10 of the Grade 15 in the General Schedule, currently \$260.40 per day, or \$32.55 per hour;

7. Travel, transportation and per diem are paid in strict accordance with the Government Travel Regulations; and
8. Any support personnel will either have to be current Section personnel or will have to be employed under the same provisions as the Technical Advisor was employed. (Please note that the Technical Advisor will be under the same limitations as any other Section employee in the acquisition of supplies and materials, and the requirements of the FAR apply.)